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**BEFORE THE ARIZONA STATE BOARD
OF CHIROPRACTIC EXAMINERS**

In the Matter of:

Richard F. Bronson, D.C.

Holder of License No. 3217
For the Practice of Chiropractic
In the State of Arizona

) Case No.: 2014-082

) **CONSENT AGREEMENT AND
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR CEASE
AND DESIST; PROBATION AND CIVIL
PENALTY**

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of the above-captioned matter before the Arizona Board of Chiropractic Examiners ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-1092.07 (F)(5) and A.R.S. § 32-924 *et seq.*, Richard F. Bronson, D.C. ("Respondent"), holder of license number 3217 to practice chiropractic in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as the final disposition of this matter.

1. Respondent has read and understands this Consent Agreement as set forth herein, and has had the opportunity to discuss this Consent Agreement with an attorney or has waived the opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter,

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1 at which administrative hearing he could present evidence and cross-examine
2 witnesses. By entering into this Consent Agreement, Respondent freely and
3 voluntarily relinquishes all rights to such an administrative hearing, as well as all rights
4 of rehearing, review, reconsideration, appeal, judicial review or any other
5 administrative and/or judicial action, concerning the matters set forth herein.
6

7 Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

8 3. Respondent agrees that the Board may adopt this Consent Agreement or
9 any part of this agreement, under A.R.S. § 32-924. Respondent understands that the
10 Board may consider this Consent Agreement or any part of it in any future disciplinary
11 action against him.
12

13 4. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of other matters currently pending before the Board, *if any*, and
15 does not constitute any waiver, express or implied, of the Board's statutory authority or
16 jurisdiction regarding any other pending or future investigation, action or proceeding.
17

18 Respondent also understands that acceptance of the Consent Agreement does not
19 preclude any other agency, subdivision or officer of this state from instituting other civil
20 or criminal proceedings with respect to the conduct that is the subject of this Consent
21 Agreement.
22

23 5. All admissions Respondent makes in this Consent Agreement are made
24 solely for the final disposition of this matter, and any related administrative
25 proceedings or civil litigation involving the Board and respondent.
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1 6. By agreeing to allow the Board to impose the discipline ordered herein,
2 Respondent acknowledges that the Board has evidence from which it could impose
3 discipline under A.R.S. § 32-924 (G).
4

5 7. Respondent acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board, Respondent may not revoke his
7 acceptance of the Consent Agreement or make any modifications to the document.
8 Any modification to this original document is ineffective and void unless mutually
9 approved by the parties in writing.
10

11 8. Respondent understands that the foregoing Consent Agreement shall not
12 become effective unless and until the Board adopts it and the Chairperson signs it.

13 9. Respondent understands and agrees that if the Board does not adopt this
14 Consent Agreement, he will not assert as a defense that the Board's consideration of
15 it constitutes bias, prejudice, prejudgment or other similar defense in any future
16 disciplinary action.
17

18 10. Respondent understands that this Consent Agreement is a public record
19 that may be publicly disseminated as a formal disciplinary action of the Board, and
20 shall be reported as required by law to the National Practitioner Data Bank and the
21 Healthcare Integrity and Protection Data Bank.
22

23 11. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct pursuant to A.R.S. § 32-924 (A)(16), "Violating or
25 attempting to violate, directly or indirectly, or assisting in or abetting the violation of or
26 conspiring to violate any of the provisions of this chapter or any Board order," and may
27 result in disciplinary action pursuant to A.R.S. § 32-914.
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3 DATED

7/23/2015

Richard F. Bronson, D.C.
Respondent

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6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for the regulation and control of
8 the practice of chiropractic in the State of Arizona.

9 2. Respondent holds License No. 3217 for the practice of chiropractic in the
10 State of Arizona.

11 3. On January 14, 2015, the Board conducted an Initial Appearance in this
12 matter and found evidence of unprofessional conduct as described in the following
13 Findings of Fact Nos. 4, 5, 6 and 7. Respondent attended the Initial Appearance and
14 was represented by legal counsel.

15 4. Throughout the website vitanya.com (website) and on a postcard obtained
16 by the Board on or about May 16, 2014; Respondent's advertising was misleading in
17 use of the term "expert consultation" and in offering to treat conditions outside the
18 scope of chiropractic. Respondent testified that the website had been created and
19 maintained by Vitanya.

20 5. Respondent's advertising throughout the website improperly claimed
21 professional superiority in use the terms "uniquely" and "least invasive and most
22 economical".

23 6. Throughout the website Respondent failed to use the initials "D.C." following
24 his name.

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1 contrary to recognized standards in chiropractic or any conduct or practice that
2 constitutes a danger to the health, welfare or safety of the patient or the public or any
3 conduct, practice or condition that impairs the ability of the licensee to safely and
4 skillfully practice chiropractic.”

6 **ORDER**

7 Based upon the above Findings of Fact and Conclusions of Law, **IT IS**

8 **HEREBY ORDERED:**

9
10 1. Respondent shall immediately **CEASE AND DESIST** the use of Zyto bio-
11 scan technology.

12 2. Chiropractic License No. 3217 issued to Respondent to practice chiropractic
13 in the State of Arizona shall be placed on **PROBATION** for **SIX MONTHS** for the
14 unprofessional conduct described above.

15 3. The terms and conditions of the Order of Probation are as follows:

16 a. Within six (6) months of the effective date of this Consent Agreement,
17 Respondent shall pay a **CIVIL PENALTY** in the amount of two hundred and fifty
18 (\$250.00) dollars. Payment shall be made by cashier's check or money order to the
19 Board.
20

21
22 4. Respondent may petition the Board for early termination of his probation
23 provided that he has completed or complied with Paragraph 3a. Upon receiving
24 Respondent's petition, the Board shall have complete discretion to determine whether
25 Respondent has complied with all the required terms and conditions of the Order prior
26 to granting the petition. Respondent's failure to petition the Board to terminate his
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1 probation shall cause it to continue beyond the six month period, until he petitions for
2 termination.

3 5. In the event that Respondent moves out of state or ceases to practice
4 chiropractic in Arizona, he shall notify the Board of these events in writing, within 20
5 days, and the Board may stay the terms and conditions of his probation until
6 Respondent returns to practice chiropractic in Arizona.
7

8 6. Respondent shall bear all costs required to insure his compliance with this
9 order to include, but not limited to, the cost for the probation monitor, required
10 continuing education, and all audits/auditors.
11

12 7. Respondent shall meet all requirements to renew his license for each year
13 that he remains on probation and shall keep his license current by submitting a
14 complete license renewal application to the Board prior to January 1 for each year that
15 he remains on probation.
16

17 8. Respondent shall obey all federal, state and local laws and all rules
18 governing the practice of chiropractic in Arizona. The Board shall consider any
19 violation of this paragraph as a separate violation of the Chiropractic Practice Act.
20

21 9. The Board retains jurisdiction over Respondent and may take additional
22 remedial or disciplinary action against him if it determines that he has committed
23 subsequent violations of this order or of the chiropractic practice act. Respondent
24 shall appear in person before the Board to respond to questions or concerns regarding
25 his compliance with this order when requested.
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1 10. This Order is a public record that may be publicly disseminated as a formal
2 action of the Board, and shall be reported as required by law to the National
3 Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.
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6 DATED AND EFFECTIVE this 21 of May, 2015

7
8 ARIZONA STATE BOARD OF
9 CHIROPRACTIC EXAMINERS

10
11 [SEAL]

12
13 
14 By _____
15 James Badge, D.C., Chair
16 Arizona State Board of
17 Chiropractic Examiners

18 **Original** of the foregoing filed this
19 21 day of May, 2015 with:
20 Arizona State Board of Chiropractic Examiners
21 5060 N. 19 Ave. #416
22 Phoenix, AZ 85015

23 **Executed Copy** of the foregoing mailed by
24 U.S. Certified mail (Return receipt requested)
25 This 21 day of May, 2015
26 Certificate No. 701326300000231352675 to:

27 Richard F. Bronson, D.C.
28 Bronson Chiropractic
18631 N 19th Ave #152
Phoenix AZ 85027

Respondent

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